

the mixing tube. Emphasis added. Given that claim 1 recites a mixing tube that is for use in a high-pressure fluid jet system, the mixing tube of claim 1 comprises the collar rigidly fixed to an outer surface of the mixing tube even before being installed in such a system. In contrast, the collet insert 464 of Warehime is not rigidly fixed to an outer surface of the nozzle tube 472 before assembly of the fluid-jet system; rather the collet insert 464 includes central passageway 470 which is sized to receive nozzle tube 472 when assembled in the fluid jet system of Warehime and can only lock the nozzle tube 472 in place when the collet cup 458 is tightened. (Col. 25, lines 7-12; Figure 12). Accordingly, claim 1 and claims 4 and 5 that depend therefrom, are allowable under 35 U.S.C. § 102 over Warehime.

The Examiner further rejects claims 2 and 3 under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 4,555,872, to Chalmers, in view of U.S. Patent No. 4,55,872, to Yie. Claim 2 recites that a distance from a top surface of the mixing tube body to a bottom surface of the collar is 0.02 – 2.0 inch and claim 3 recites that a wall thickness of the collar is 0.01 – 0.2 inch. In contrast, Chalmers fails to disclose that a distance from a top surface of the mixing tube body to a bottom surface of the collar is 0.02 – 2.0 inch and that a wall thickness of the collar is 0.01 – 0.2 inch. The Examiner reasons that Yie discloses specific dimensions for a fluid jet apparatus and that the support cone 60 with a passage 61 in Yie are similar to holder 62 and passage 67 in Chalmers. Emphasis added.

However, as discussed with the Examiner, the dimension range in claim 2 is for a distance from a top surface of the mixing tube body to a bottom surface of the collar; not for an orifice mount that may be analogized to the support cone 60 or the holder 62 of Yie and Chalmers, respectively. Similarly, the dimension range in claim 3 is for a wall thickness of the collar, which according to claim 1, is rigidly fixed to an outer surface of the mixing tube, the collar (and the mixing tube) being a wholly distinct part from the support cone 60 or the holder 62 of Yie and Chalmers, respectively. It is noted here again, that claims 2 and 3 depend from claim 1, which is directed toward only the mixing tube for use in a high-pressure fluid jet system and not toward the whole system or any other part of the system.

Furthermore, Chalmers is silent regarding any dimensions and the Figures in Chalmers are not intended to convey a scale of the apparatus in Chalmers. Since the dimension in Yie is for a different part of the system as that being claimed in claims 2 and 3, and Chalmers provides no basis to conclude that Yie and Chalmers “are on the same order”, these two references fail to teach, suggest or motivate a distance from a top surface of the mixing tube body to a bottom surface of the collar is 0.02 – 2.0 inch. Furthermore, this range is not simply a design choice; rather, as explained in the specification at page 9, line 25, providing the collar in this manner improves the tool tip accuracy of the system.

The cited references also fail to teach a wall thickness of the collar is 0.01 – 0.2 inch. Chalmers also fails to disclose a mixing tube for use in a high-pressure fluid jet system, comprising, a collar rigidly fixed to an outer surface of the mixing tube because in Chalmers, the nozzle 87 is retained with an annular split collet 93. (Col. 5, lines 28-30). It is inherent that such retention occurs after assembly. Accordingly, claims 2 and 3, in addition to being allowable for depending from allowable claim 1, are also allowable under 35 U.S.C. § 103 over Chalmers in view of Yie for having subject matter not taught by these references.

Finally, as requested by the Examiner, enclosed is a copy of a Supplemental Information Disclosure Statement that has previously been filed in this application. The Examiner has not yet initialed the reference disclosed in this Information Disclosure Statement as having been considered in this application. Applicants therefore respectfully request that the Examiner initial, sign and date the enclosed Information Disclosure Statement.


Applicants respectfully submit that all of the claims remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Application No. 10/717,744  
Reply to Office Action dated April 11, 2006

The Director is authorized to charge any additional fees due by way of this Response, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

  
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Enclosure:

Copy of Supplemental IDS Transmittal and IDS dated February 13, 2006

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Felice M. Sciulli et al.  
Application No. : 10/717,744  
Filed : November 20, 2003  
For : APPARATUS FOR GENERATING A HIGH-PRESSURE FLUID  
JET

Examiner : Jason D. Prone  
Art Unit : 3724  
Docket No. : 340058.534D1  
Date : February 13, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents:

In accordance with 37 CFR 1.56 and 1.97 through 1.98, applicants wish to make known to the U.S. Patent and Trademark Office the reference set forth on the attached Supplemental Information Disclosure Statement. A copy of the cited U.S. patent is not required and accordingly has not been provided. As to any reference cited, applicants do not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserve the right to traverse or antedate any such reference, as by a showing under 37 CFR 1.131 or other method. Although the aforesaid reference is made known to the Patent and Trademark Office in compliance with applicants' duty to disclose all information they are aware of which is believed relevant to the examination of the above-identified application, applicants believe that their invention is patentable.

Please acknowledge receipt of this Supplemental Information Disclosure Statement and kindly make the cited reference of record in the above-identified application.

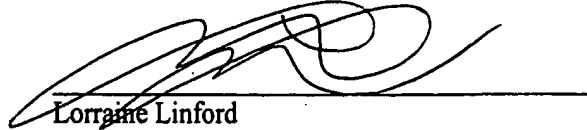
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A fee of \$180 is submitted in accordance with 37 CFR 1.97(c). The Director is authorized to charge any other fees which may be required, or credit any overpayment to Deposit Account No. 19-1090.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

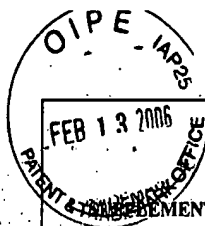
  
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U.S. DEPARTMENT OF COMMERCE  
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Felice M. Sciulli et al.

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GROUP ART UNIT

3724

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,605,492	02/25/97	Klingel	451	40	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AK					
	AL					
	AM					
	AN					
	AO					

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AP	
	AQ	
	AR	

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).